

REED SMITH LLP
Formed in the State of Delaware
Diane A. Bettino, Esq.
Princeton Forrestal Village
136 Main Street, Suite 250
Princeton, N.J. 08540
Tel. (609) 987-0050
Attorneys for Defendants,
IndyMac Bank, F.S.B. and
IndyMac Bancorp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY - NEWARK VICINAGE

ADAM ZURAWSKI, GINA WARDLOW-
HILL, LAWRENCE HILL, ELANA
PLENBY, MAURITZ PLENBY, MARK
MAKARITIS, AND ANN MARTIN

Civil Action No: 2:08-cv-00794-PGS-ES

Plaintiffs,

v.

MORGAN FUNDING CORP.,
CHRISTOPHER NANGANO,
NATIONAL FUTURE MORTGAGE,
INC., ARGHA RAHA, DAN DEKLEIN,
WORLD SAVINGS BANK, FSB,
WACHOVIA CORP., GOLDEN WEST
FINANCIAL CORP, BANK UNITED,
FSB, DANIEL MACKLE, DAN LOUIS,
INDYMAC BANK, FSB, INDYMAC
BANCORP, CHRISTINE CASTENARIS,
MARK ANDREOTTI, NEW HORIZON
SETTLEMENT SERVICES, FELICE
VLASIS, METROPOLITAN TITLE &
ABSTRACT, LLC, GEOFF TRIPODI,
MARC BRESSLER, ESQ., DAVID
BRESSLER, ESQ., BRESSLER & DUYK
LAW FIRM, GEORGE CRETELLA,
ESQ., JEAN KENNEDY, JOHN DOE
NO. 1-30 AND ABC CORP. NO. 1-30.

STIPULATION OF DISMISSAL AS TO
CERTAIN COUNTS OF THE
COMPLAINT

Defendants.

Defendants IndyMac Bank, F.S.B. and Plaintiffs (collectively the "Parties") in the above-referenced matter have agreed, through their counsel, to dismiss the following Counts of Plaintiffs' Complaint as described herein. The parties have agreed to dismiss the following claims, some of which are dismissed with prejudice, and all claims are dismissed without attorneys' fees or costs to any party.

- (1) Count Four alleging an unconscionability claim is dismissed with prejudice;
- (2) Count Five alleging an unjust enrichment claim is dismissed with prejudice;
- (3) Count Six alleging an agency claim is dismissed with prejudice as this is not a separate cause of action;
- (4) Count Seven alleging a breach of contract claim is dismissed without prejudice as to IndyMac Bank, FSB;
- (5) Count Eight alleging a Real Estate Settlement Practices Act claim is dismissed without prejudice as to IndyMac Bank, FSB only;
- (6) IndyMac Bank and Plaintiffs agree to be bound in this matter by the Court's ruling on the pending Motion to Dismiss the negligence claim in the matter *DeLaCruz, et al. v. Morgan Funding, et al.*, Civil Action No.: 2:07-cv-02334;

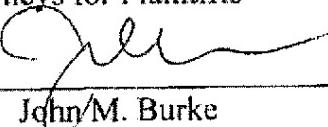
(7) Count Thirteen alleging an equitable estoppel claim is dismissed with prejudice;

(8) Count Fourteen alleging a breach of the covenant of good faith and fair dealing is dismissed without prejudice as to IndyMac Bank, FSB;

(9) All of Plaintiffs' claims relating to IndyMac Bancorp. are dismissed without prejudice.

KOLES, BURKE & BUSTILLO, LLP

Attorneys for Plaintiffs



John M. Burke

Dated: June 12, 2008

REED SMITH LLP

Attorneys for Defendants

IndyMac Bank, F.S.B.

and IndyMac Bancorp.



Diane A. Bettino

Dated: June 12, 2008

SO ORDERED: Peter McAndrew
DATED: 6/18/08